



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,390	01/03/2002	Watson Wu	3626-0240P	8731

2292	7590	08/08/2007
BIRCH STEWART KOLASCH & BIRCH		
PO BOX 747		
FALLS CHURCH, VA 22040-0747		

EXAMINER	
PAULA, CESAR B	

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
08/08/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



UNITED STATES PATENT AND TRADEMARK OFFICE

mn

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/034,390  
Filing Date: January 03, 2002  
Appellant(s): WU, WATSON

**MAILED**

**AUG 06 2007**

**Technology Center 2100**

Joe McKinney Muncy  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/24/2005 appealing from the Office action mailed 4/22/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20020037104

Myers

3-2002

Uchihashi et al, "Video Manga: generating semantically meaningful video summaries",  
Proceedings of the seventh ACM international conference on Multimedia (Part 1), October 1999,  
p.383-392.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-14, 16-24, and 26-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al, hereinafter Myers, (2002/0037104, 3/28/2002, provisional application filed on 9/22/2000).

Regarding independent claim 1, Myers teaches the accepting, and capture of video with an image capture sensor--*video-receiving module for receiving video source data, and decoding module* (0033-0034, fig.1).

Moreover, Myers teaches the detection, and location of text regions within capture video imagery. The text is detected according to text recognition device or computer--*extracting the text part from the video data according to a production guide* (0035-0036, fig.1).

Furthermore, Myers fails to explicitly teach *an illustration-extracting module for extracting a key frame from the video data according to the production guide and producing the book according to the extracted text part and illustration part*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part*-- from a video and index the image to produce an indexed photo album

Art Unit: 2178

or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 2, which depends on claim 1, Myers teaches storing the extracted text for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving a command from a user to edit contents of the book after the book is produced*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have received a command with a word processor for editing the stored book, because Myers teaches above the later processing using the extracted text, thus, providing the flexibility, and convenience of a word processing program to edit the extracted text after words.

Regarding claim 3, which depends on claim 1, Myers teaches a user storing the extracted text for later processing with a word processor—*producing the book using a template* stored (0054, 0057).

Regarding claim 4, which depends on claim 1, Myers teaches a user deploying a notebook—*production guide*-- for capturing video for extracting, and storing the extracted text for later processing with a word processor (0054, 0057). Myers fails to explicitly teach *receiving a command from a user to select the production guide*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have received a command with a word processor for editing the stored book, because Myers teaches above the later processing

Art Unit: 2178

using the extracted text, thus, providing the flexibility, and convenience of a word processing program to edit the extracted text after words.

Regarding claim 6, which depends on claim 1, Myers fails to explicitly teach *a caption-analyzing algorithm by which caption data and video data in the video data are analyzed, the text-extracting module extracts the caption data to obtain the text part according to the caption-analyzing algorithm, and the illustration-extracting module extracts image data from the video data corresponding to the caption data as the illustration part*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 7, which depends on claim 1, Myers teaches the capture of an image used for text detection—*video data are analyzed according to an image sample* (0034). Myers fails to explicitly teach *the illustration-extracting module extracts image data to obtain the illustration part according to the image-analyzing algorithm, and the text-extracting module extracts the caption data to obtain the text part according to from the video corresponding to the image data*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the

Art Unit: 2178

extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 8, which depends on claim 1, Myers teaches the capture of an image—*according to an object*-- used for text detection (0034). Myers fails to explicitly teach *the illustration-extracting module extracts image data to obtain the illustration part according to the image-analyzing algorithm, and the text-extracting module extracts the caption data to obtain the text part according to from the video corresponding to the image data*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part*-- from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 9, which depends on claim 1, Myers teaches the capture of an image used for text detection —*text-extracting module extracts captions in the image data as the text part*-- (0030, 0034). Myers fails to explicitly teach *the illustration-extracting module extracts image data as the illustration part*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part*-- from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus,

Art Unit: 2178

providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Regarding claim 10, which depends on claim 1, Myers teaches the capture of an image used for text detection by agglomerating the text recognition results from several video frames to obtain the best results from each frame and form a single result —*scene/shots shifts of image data are analyzed--* (0030, 0041). Myers fails to explicitly teach *use the scene/shot shift analyzing algorithm as a selection and segmentation guide for the text and illustration part*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an image—*illustration part--* from a video and index the image using the extracted text, to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Claims 11-14, 16-20 are directed towards a method for implementing the system found in claims 1-4, and 6-10 respectively, and therefore are similarly rejected.

Claims 21-24, and 26-30 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1-4, and 26-30 respectively, and therefore are similarly rejected.



Art Unit: 2178

3. Claims 5, 15, and 25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Myers in view of Video Manga: generating semantically meaningful video summaries Uchihashi et al, October 1999, Proceedings of the seventh ACM international conference on Multimedia (Part 1), p.383-392, hereinafter Uchihashi.

Regarding claim 5, which depends on claim 1, Myers teaches the capture of an image used for text detection (0034). Myers fails to explicitly teach *extracts the audio data to obtain the text part*. However, Uchihashi teaches using speech recognition to extract text from video (sect. 2, 4<sup>th</sup> parag.). It would have been obvious to one of ordinary skill in the art at the time of the invention to have extracted an the text from audio found in the video, and extracted image from a video and index the image to produce an indexed photo album or book, using the extracted text, because Myers teaches using the extracted text to index images (0030, lines 11-29), and Uchihashi discloses capturing compact and visually pleasing summary capturing semantically important event (abst, sect. 6.2), thus, providing the benefit of organizing images, and text extracted from video, in order to quickly, and efficiently access those images.

Claim 15 is directed towards a method for implementing the system found in claims 5, and therefore is similarly rejected.

Claim 25 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 5, and therefore is similarly rejected.

**(10) Response to Argument**

Regarding claims 1, 11, and 21, the Appellant notes there is no motivation to modify the apparatus, which uses text to index images into a book producing system (page 6, parag.2). The Examiner disagrees, because Myers teaches producing books using text extracted from a video (0030, 0035-0036). Myers fails to explicitly teach extracting, and producing a book using an extracted illustration part. However, it would have been obvious to extract the illustration part, besides the text, to produce a book, because Myers teaches the indexing of images using the extracted text (0030, lines 11-29). This would provide the benefit of producing a book, which contains both images, and text describing/organizing such images to provide a quick, and efficient access of those images.

In response to Appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 7, parag.1), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The motivation for producing the

Art Unit: 2178

book, which contains the indexed images, comes directly from the Myers' disclosure, and not the appellants' own disclosure.

All the dependent claims stand rejected at least based on the rationale established above regarding independent claims 1, 11, and 21.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

***Conclusion***

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

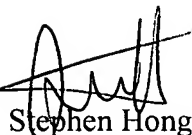
Respectfully submitted,



**CEGAR PAULA**  
**PRIMARY EXAMINER**

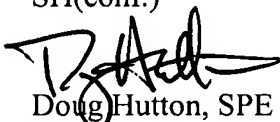
Cesar B. Paula

July 24, 2007



Stephen Hong, SPE 2178

SH(conf.)



Doug Hutton, SPE 2176

DH(conf.)